



POLICE DEPARTMENT

December 28, 2011

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Anthony Prisinzano
Tax Registry No. 907097
Police Service Area 2
Disciplinary Case No. 2011-5382

The above-named member of the Department appeared before me on November 18, 2011, charged with the following:

1. Said Police Officer Anthony Prisinzano, assigned to PSA 2, while on-duty, on or about February 14, 2010 inside [REDACTED], failed to conduct a thorough field investigation.

P.G. 207-07, Page 1, Paragraph 4 - COMPLAINTS

2. Said Police Officer Anthony Prisinzano, assigned to PSA 2, while on-duty, on or about February 14, 2010 inside [REDACTED], did fail to prepare an aided report worksheet.

P.G. 216-02, Page 1, Paragraph 1 and 2 AIDED CASES

3. Said Police Officer Anthony Prisinzano, assigned to PSA 2, while on-duty, on or about February 14, 2010 inside [REDACTED], engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit said Officer upon being informed that a member of the service was assaulted, failed to request the response of a Patrol Supervisor to the location.

P.G. 203-10, Page 1, Paragraph 5 - GENERAL REGULATIONS

The Department was represented by Jamie Moran, Esq., and Michelle Alleyne, Esq., Department Advocate's Office, and Respondent was represented by John Tynan, Esq.

Respondent, through his counsel, entered a plea of Guilty to the subject charges. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

The Respondent having pled Guilty is found Guilty.

SUMMARY OF EVIDENCE IN MITIGATION

Respondent's Case

Respondent testified on his own behalf.

Respondent

Respondent entered pleas of guilty to each of the three specifications in this case. He was appointed to the Department on February 28, 1994. After the Police Academy, he served in the 79 Precinct, Brooklyn Traffic Task Force, the 72 Precinct, VIPER and his current command, PSA 2, where he has been since 2002.

On February 14, 2010, he was on patrol and working with Police Officer McDowell who had been his steady partner for about seven years. McDowell was also the Patrolmen's Benevolent Association delegate. Respondent described McDowell as a "bald headed black guy, about 5'6" tall." Respondent stated that he is 5'1" tall.

At about 5:00 a.m., they received a radio run of a "10-24," a past assault [REDACTED]. They arrived at apartment [REDACTED] and a female opened the door. They entered the apartment. Respondent saw another female sitting in a chair in the kitchen. He did not recall speaking to the female in the chair but he believed that McDowell did. They were in the apartment for about 20 minutes. He did not speak to either person in detail about the alleged assault. He believed that McDowell might have because he was the recorder.

He did not, at any time during that tour, learn that McDowell had discovered that one of the two individuals in the apartment was a member of the service. He learned about this during his official Department interview.

Respondent stated that had he known at the time that a member of the service was involved he would have notified the patrol supervisor and would have had the patrol supervisor respond to the scene.

He stated that they did not prepare an Aided Report because the person was highly intoxicated.

On cross-examination Respondent stated that he was the operator of the patrol car; his partner was the recorder and therefore gets the information. He agreed that he received that past assault job along with six other calls that day. When they arrived at the door a female answered. He did not speak to her but his partner did. He agreed that he was listening to the conversation. He said that he did not see anyone who was injured in the apartment. Two members of the Emergency Medical Service (EMS) arrived a few minutes later. He said that after EMS arrived, he stepped out into the hall because the apartment was getting crowded. He was there by himself. He left before EMS left.

Respondent stated that he remained in the hall for about 10 minutes and when his partner came out he said they should go. He agreed that he never prepared an Aided Report nor did he do any report. He knew the female was intoxicated because he could smell it. He said his partner finalized the job as a "[10-]55 EMS."¹

On questioning by the Court, Respondent stated that the person who answered the door was not the victim of the assault. He did not smell any alcohol on the person who came to the door. The person who allegedly was injured was sitting in a chair. He did not see any physical injury on her. He later learned that she had a laceration on her head and on her face. He did not see any blood on the scene.

The Department's Case

Because Respondent pled guilty the Department would ordinarily not call witnesses. However, as the Department claimed there was a dispute of fact regarding Specification No. 3, the Department was permitted to call Tiana Hines as a witness.

Tiana Hines

Hines testified that she has been friends with Person A for about three years. On February 14, 2010, at about 5:00 a.m., Person A got hit in the head with a block of ice. She was, according to Hines, bloody. The police were called, officers arrived and she spoke to them. She said she told the officers that Person A's cousin had hit Person A and that he should be arrested. She said she spoke to the officers in the hallway. Person A had provided her work identification indicating that she was a school safety agent. The officers, Hines said, spoke to each other. They returned the ID card to Hines and told her

¹ Ambulance case, patrol car not required

that when they get to the hospital she should show the ID. She did not know why they had said to do that.

Hines was not sure if the ID was a work ID but she said that the officers were aware that Person A was a school safety agent because Person A told them and because she told them. She said she never spoke to one officer only and that all her conversations were with both officers.

Hines described Person A's injury: "Injury to her eye but like it's closer to her head, she had to get stitches mainly like a gash on her eye and then like her head was like scratched and stuff like that."

On cross-examination, Hines was asked if she had told Sergeant Ozuna of the Housing Bureau Investigations Unit that she "assumed" that Person A had told the officers she was a school safety agent and that she herself did not do so. She also admitted that she told Ozuna that she was not certain if she had given the officers Person A's ID. A transcript of the interview was entered into evidence (Department's Exhibit 1).

On questioning by the Court, Hines acknowledged that she told Ozuna that she was at work and it would be better to talk at another time.

On re-cross examination, she acknowledged that there was call back and she was on a bus going to school. She acknowledged that she had called 911 and did not mention that Person A was a school safety agent, saying she did not know she had to do that.

PENALTY

In order to determine an appropriate penalty, the Respondent's service record was examined. See *Matter of Pell v. Board of Education*, 34 NY 2d 222 (1974). The

Respondent was appointed to the Department on February 28, 1994. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

Respondent has pled guilty to the three specifications in this case and thereby acknowledged his responsibility in this matter. The Department was not satisfied with his plea as to Specification No. 3 and called Hines. Hines testified that both officers were aware that Person A was a school safety agent because she told them and because she gave them her identification. However, in her interview with Ozuna, she stated that she had not provided that information and she was not sure that she gave them the identification card. The fact that both calls came at inconvenient times does not negate what she said. Her statements therefore are inconsistent and provide insufficient basis for a finding of fact on this issue.

As noted by his plea, Respondent is aware that he needed to take more action even though he was not the recorder. There was injury, EMS was summoned, some effort to identify and arrest the perpetrator should have been taken and, again, by his plea Respondent acknowledged his failures in this regard.

The Department has requested a penalty of 15 vacation days and Respondent has not demonstrated any reason why that penalty should not be imposed. The Court recommends a penalty of the loss of 15 vacation days.

Respectfully submitted,

APPROVED
MAY 04 2012
Raymond W. Kelly
RAYMOND W. KELLY
POLICE COMMISSIONER

Martin G. Karopkin
Martin G. Karopkin
Deputy Commissioner Trials

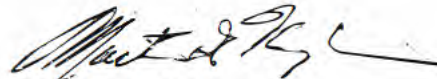
POLICE DEPARTMENT
CITY OF NEW YORK

From: Deputy Commissioner – Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER ANTHONY PRISINZANO
TAX REGISTRY NO. 907097
DISCIPLINARY CASE NO. 2011-5382

Respondent received an overall rating of 4.0 “Highly Competent” on his last three annual performance evaluations. He has been awarded three medals for Excellent Police Duty. [REDACTED]
[REDACTED]
[REDACTED]

In 2002, Respondent forfeited 20 vacation days after pleading guilty to consuming alcohol in a precinct parking lot while off duty.

For your consideration.



Martin G. Karopkin
Deputy Commissioner – Trials